

**BUTTE-SILVER BOW LOCAL GOVERNMENT
STUDY COMMISSION**

Minutes of the Public Hearing

March 30, 2006

Butte-Silver Bow Courthouse, Third Floor Council Chambers

Meeting Date: March 30, 2006

Time: 6:30 p.m.

Place: Butte-Silver Bow Courthouse, First Floor Conference Room

Call to Order: Chairman Bob Worley brought the meeting to order at 6:45 p.m. and called roll with the following results:

Members Present: Tony Bonney, Ristene Hall, Dave Palmer, Meg Sharp, Cindi Shaw, Northey Tretheway, Bob Worley and Shag Miller

Excused Absences: Wayne Harper

Approval of Minutes: Shag Miller motioned and Meg Sharp seconded for the approval of the minutes from March 9, 2006. All were in favor and the motion carried. Bob Worley made a couple of notes from the public hearing on language changes so if they have to refer back to any of those changes it could be easily referenced.

Bob Worley asked if there were any corrections that needed to be made on the minutes from March 15th. Ristene Hall replied that she had a two. The first error was on page 1, under items not on the agenda, where she asked if anyone would be interested in discussing the autonomous boards. It read as follows: "administrative offices and autonomous boards before dropping small independent governments of their own." Ristene Hall was not sure what that meant. What she stated was "separate autonomous boards that are often small independent governments of their own."

On the second page, Ristene Hall pointed out the second error, which was supposed to state, "isn't state and federal money still taxes?" Shag Miller answered her question and replied not necessarily, not taxes. Ristene Hall asked they are not our federal tax dollars that we pay? Shag Miller replied not federal tax dollars. Income from licensing fees, boarding gas tax, ticket sales and so forth. They are special taxes that are created such as a user fees. Shag Miller mentioned all airports have a pasture facilities charge and that money is used by the local airports as their matching share for the federal monies that are used for runway installation maintenance, landing systems, etc. That is just for that particular board. They are either tax income, revenue or user fees.

Bob Worley pointed out in the minutes from March 15th, at the top of page 3, what Shag Miller just mentioned. Bob Worley entertained a motion for the approval of the minutes from March 15, 2006.

Dave Palmer moved and Cindi Shaw seconded for the approval of the minutes from March 15, 2006 with corrections. All were in favor and the motion carried.

Comments from Ron Rowling: None. Ron Rowling did mention that the golf course would be opening this Saturday if the weather permits.

Guest Speakers: None. Jerry O'Brien from the Montana Standard should be attending next weeks meeting.

Item's Not on Agenda: Bob Worley discussed the budget needing to be turned into Dannette Gleason by tomorrow. Shag Miller and Bob Worley visited last week and discussed the budget needed for advertising their campaign on charter amendments. There is \$43, 500 available. He has budgeted the whole thing into the 2006-2007 request.

Shag Miller moved to approve the budget for the fiscal year 2006-2007 and Meg Sharp seconded. All were in favor and the motion carried unanimously.

Bob Worley discussed Dave Kneebone's from Little Basin Creek Fire Volunteer Company. He requested they change the charter to reflect the Attorney General's opinion. Bob Worley visited with Jeff Miller and he is not in agreement that it should be changed. The volunteer fire departments are funded through our local Fire Coordinator, Jeff Miller. Bob Worley stated that he went one step further and talked with Bob McCarthy. Bob McCarthy assured him that the charter of 1976 addressed this and there would be no problem leaving that section of the charter alone. The charter states that Butte paid and volunteer firemen will be controlled by a Director of Fire Services. Bob McCarthy asked that they leave that section alone.

Bob Worley contacted Jeff Miller and informed him of Bob McCarthy's advice. Northey Tretheway asked what the request was. Bob Worley replied there was an Attorney General's opinion. Bob McCarthy had written Don Peoples in regard to budgeting for volunteer fire departments. This came up in 1987 and the Attorney General's opinion did state that as a result of the consolidation, a former city and Butte-Silver Bow County under the charter form of government. The community of Butte-Silver Bow not comprised of all the territory formerly embraced by the City of Butte and all the territory formerly embraced by Silver Bow County with the exception of Walkerville. The volunteer fire districts involved were formed in what were then unincorporated areas of Silver Bow County by resolutions of the County Commissioners. They referred to MCA, Section 7.33 which provides that the adoption of city-county consolidated local governments has no affect on the existence of such volunteer fire districts. Bob Worley stated that was the part that bothered him a little bit but it does not bother Bob McCarthy.

Bob Worley stated he knows in talking with Mr. Kneebone those guys feel they are entitled to prepare, finalize and adopt budgets. Management handled all their funds and expenditures. Bob McCarthy had stated that was not the case and recommended the Study Commission not change the charter to accommodate the volunteers they are taking care of currently.

Shag Miller clarified that what Bob Worley was saying was to leave Section 7.03 of the charter as it is. Bob Worley replied that was correct.

Bob Worley will contact Dave Kneebone with the facts that have been presented to him.

Shag Miller commented going back to when that was passed he was active in covering it from the news standpoint. Shag Miller stated one of the things they had to do was protect the volunteer fire departments; if not, they would have organized opposition to the consolidation because of the jealousy between the paid fire department and the volunteer fire department. Shag stated it still exists but not like it did in the old days. It was thought that the volunteers were only good as far as having a place to hold wedding receptions. Let the paid firemen go and fight the fires. They had to incorporate that. They had to hold up harvest into this thing to get the charter to pass, which they did. It was not amended in the last two proposals because both charter proposals failed. Shag Miller stated this is the original language and it has been working. He agrees with Bob McCarthy.

Bob Worley commented if it was something where they decide they want to challenge the legality of the charter and State of Montana, it is probably something the Study Commission does not want to be involved in. On the advice of the County Attorney, Bob Worley advised they leave it alone.

Bob Worley commented that it withstood the 1996 charter because it did not go forward. The opinion and the letters were written in 1987, nearly 20 years ago.

Shag Miller commented the city limits were constructed not to include Anaconda Company Mining properties because they did not want to pay taxes. Then they would subsidize the volunteer fire departments, help them buy their engines, build their buildings, etc. They followed the state fire codes as far as training and fighting fires. The story went as follows, the fire was put out before any damage was done by the volunteer fire department. To consolidate the government, they had to have the support of the volunteer fire departments.

Bob Worley commented that it did not look like there was going to be a consolidation of those four fire departments that they recommended. In his discussion with Jeff, he thinks the volunteers...Jeff told him he has no reason to against the volunteers if they don't want it. He is not going to fight them. It does not look like that is going to happen.

Bob Worley clarified the fact that BSB had more fire fighting apparatuses in BSB than Spokane, WA.

Ristene Hall stated there were a few paid firemen she wanted to discuss this with. They had mentioned it but she was not sure what side they were talking about.

Bob Worley commented on the 150 approximately volunteer fire fighters in BSB and 30 paid fire fighters. Bob Worley commented on the volunteer side, the city maintains the

buildings, trucks, equipment, and pay utility bills. They have a retirement fund that is paid through home taxes and part of home insurance premiums goes into a fund in Helena. They are paid a retirement from those funds. They are also paid worker's compensation. The premiums are paid on those volunteers. Bob Worley asked Jeff Miller if the volunteers were short on any equipment and he stated they were not. Jeff Miller stated they were one of the best equipped of anybody around. Jeff Miller told Bob Worley that they might be a little short on radios. There was a change in the radios that occurred from 9/11 incident. FEMA wants a radio that costs \$3,000.00 each. Until those come down in price...there is not a shortage. There are plenty of radios around. Bob Worley commented that there are not enough radios that all 150 people have one on the volunteer side but they are not always at every fire.

Bob Worley discussed the statement made by Mike Kerns at the Public Hearing regarding the title of Sheriff. Bob McCarthy thought it would be a good idea to change the title of Sheriff. Bob Worley mentioned the Sheriff's title being changed to Director of Public Safety. Bob Worley asked everyone if they had any suggestions and to think about it. He would still be an elected official.

Bob Worley met with Bob McCarthy regarding a simplified charter versus the existing charter.

Bob Worley and Northey Tretheway gave a presentation to the Sunrise Kiwanis. They talked about proposed charter changes. Northey Tretheway talked to them about a different charter that simplifies and guides versus the existing charter, which governs.

Bob Worley discussed with Bob McCarthy the ordinances that are now in effect with existing charter and if they would need to be rewritten. Bob McCarthy stated that they would not. They would carry over since they have nothing to do with the way government does business. Anything that they felt they did not have in the revised charter could be done by way of ordinance. Meg Sharp has been keeping a list of the things they thought were important to suggest to the Council of Commissioners or with Bob McCarthy.

Bob Worley commented that another topic they have been discussing is the council size. Bob Worley commented that he knows they have talked about this and made a statement but thinks it will come up again that they keep the number of council members as 12. Bob Worley stated he has no problem with that. Bob McCarthy told Bob Worley if it became a big issue that they went to a different form of charter and that they keep the council members at 12, he did not see a problem with it either if it jeopardized the voting or the approval of a more simplified charter.

They discussed changing the boundaries and districts from 12 districts to 6 districts with two commissioners elected out of each district alternating every two years. There is one person in each district and when that person gets elected, it is over for four years. This would make the availability every two years if someone else within the district wanted to run. Bob Worley thought it was a good idea. Bob Worley understood that it would

increase the size of the districts but it allows two people within each district to take on the problems of the district rather than one individual. Northey Tretheway replied it also creates competition.

Cindi Shaw commented that they have already voted on it. Bob Worley replied the issue keeps coming up.

Northey Tretheway commented one of the things that has come up is the feedback that they are not addressing the right issues. Some of the comments that he has heard frequently is they have too many commissioners and not enough accountability. Northey Tretheway stated the issues on the charter and the guidance that the charter is supposed to provide. That is what he thinks they should be focusing on.

Ristene Hall commented that she sees more citizens coming out of the woodwork wanting to run for commissioner. Ristene Hall thought 12 has worked for so long she does not see a reason for changing it. Ristene Hall thought they should focus on the things that are not working.

Meg Sharp replied if there are 6 districts with 2 commissioners in each district, people have more opportunities to run without having to wait four years. It gives an advantage to a non-incumbent.

Tony Bonney commented another thing to consider with the 6 districts is the populationship. Bob Worley commented that Mary McMahon adjusts the boundaries. Tony Bonney commented compared to one commissioner in east Butte, the residential is going down and the business sector is going up. He thinks the 6 districts would account for all of that and make it less on one person.

Ristene Hall stated when there is a problem and the commissioner brings that problem to the commission, that commissioner does not solve that problem by him/herself. That commissioner just brings the problem. The commission as whole solves the problem and she does not see the advantage of two people bringing the problem to the commission.

Bob Worley stated one advantage could be for example, let that commissioner talk to his/her cohort in the district and see what his/her thoughts are. They could discuss it and bring the problem to the council. Two heads work better than one.

Shag Miller commented that what he thought they were doing now is fine because it gives less people access to representation.

Bob Worley commented one other thing he sees with this is he knows sometimes people have a conflict with the commissioner in his/her district. They would have another one they could contact.

Ristene Hall commented when she was commissioner, she had a lot of people outside her district contact her.

Bob Worley had a letter from a constituent who speaks about that. He had a few things that they might want to consider if they are charter worthy. He stated in his letter that the Study Commission wanted to stay with 12 commissioners. If so, he thought it should read that they are responsible for the whole county not just their district. He stated in his letter that people should be able to complain to any commissioner not just the one in his/her district. If he/she has a problem, sometimes he/she does not get along with their commissioner.

Bob Worley commented it was mentioned when he ran for commissioner, four years ago against Joe Lee, that it would be stiff competition and he knew it would be. Bob Worley thinks Joe Lee is doing a great job but he has had people approach him saying they wished he lived in their district so he could serve as their commissioner. Bob Worley commented that could be one reason for two commissioners running in a district and alternate every two years.

Bob Worley stated he would like to move forward with the charter because today is the 30th of March and he would like to see their decisions and changes made and put to rest by the end of May. That would be 8-9 weeks away. They have to have their final report to Mary McMahon by August 24th and ballot ready. That is ten weeks to put everything together and write reports.

Shag Miller commented when they do get the draft copy finalized, they need to have Bob McCarthy review it.

Bob Worley replied that it would take a while for Bob McCarthy to review the draft. They have found through the public hearing that they have some errors in the language.

Cindi Shaw asked if they were going to do another public hearing?

Bob Worley commented if they do another public hearing, he wants the charter ready to go. If there are changes that are going to be after the public hearing they are going to be minor. It would give the people a chance to see the final draft copy of the charter.

Shag Miller commented if he wants everything completed by May 25th, if they have a public hearing early in June, they would have a week or two to make any necessary changes, that would give them three weeks in June, all of July and three weeks in August to get the final report done.

Bob Worley commented that he does not have a problem holding another public hearing but asked if they thought they would be getting more than 30 people to attend. Cindi Shaw replied probably not especially in the summer. Bob Worley stated they have agreed to do a printed a copy of changes that would be going out to the public. He is not sure along with advertising...if they want another public hearing, he has no problem with that. Are they going to do all that preparation and advertising to do another public hearing for 30 people?

Tony Bonney replied maybe not so much a public hearing but a public meeting to do a presentation.

Bob Worley discussed holding the meeting at the annex of the Civic Center.

Shag Miller commented the mailing of the charter form they want the people to vote on will be mailed in October. They would then follow it up with an advertising campaign so the public would be knowledgeable and ready to vote on it by November 7th.

Bob Worley commented they need to keep in mind, as far as preparation work they have until August 23rd. They need to have any changes they are going to propose whether it be a different form of charter, the existing charter with proposed changes or if they are going to put both before the people and have it be an either/or type thing. They need to decide on those things and would like to have those decisions made by the end of May.

Northey Tretheway commented thought every way they go with the decisions, there are going to be people that will either be in favor of or opposed. Northey stated their effort in this should be bold. They ought to take the step they think is really going to be correct in a large sense not in a micro-management sense. A large sense that allows them to focus their attention on items they could really get behind and are easy for people to comprehend to see where the Study Commission's focus is coming from. That focus will allow them to put their energy behind it and get something they can be proud of. He thinks in spite of everything he sees and hears, he thinks it is a good charter. However, times have moved forward and they can be best served by creating something that helps Butte focus on bigger picture items not how a department runs or how to micro-manage something. He feels that is what hurts Butte sometimes. They take their eye off the ball and start looking at inner-personal politics. They need to focus on things that will really propel Butte forward. Northey commented the burden of the Study Commission is to look at the structure form of government such as the number of commissioners, the type of government they are running, not how departments should run. They cannot get to the point that they have regrets on this.

Bob Worley commented nobody has attempted to do what Northey has suggested.

Shag Miller commented the last two Study Commissions, their recommendations were turned down by the voters.

Meg Sharp replied they lumped all the changes of the elected officials under one unit and that was defeated.

Bob Worley commented the decision they have to make is on the simplified charter. He thinks the people are really looking for something to come out the Study Commission; something that will allow Butte to move forward.

Ristene Hall thinks the community is expecting something big from them. She thinks if they went with the simplified charter, maybe they should call it something different because the people might think they are losing control or power of the government.

Northey Tretheway suggested refined.

Bob Worley commented they have wrestled with the charter in coming up with language that will fit, won't get shot down, that is legal and will withstand the courts. They have listened to people and have tried numerous times to get the wording right

Shag Miller commented they should not leave certain things to be done by ordinance because it may not get done.

Northey Tretheway commented that the existing charter has not withstood the test of time on employment at will or central purchasing other than the fact that they are not doing it. He thinks that is the problem. If the U.S. Constitution said you need to have an Animal Control Board or a Human Resource Department, it would lose its strength. Northey thinks this charter has lost some of what it is intended to be. Northey stated BSB is a unique entity by having a consolidated city-county. That is where our strength is. It is not which department is going to have the Land Records. Northey stated that does not belong in the charter. It takes away the flexibility BSB needs to run efficiently.

Northey Tretheway commented that he understands Shag Miller and his comment about the charter withstanding the test of time, however, Northey felt they need to be bold and make the charter something that outlines what the form and structure of Butte should be. It is then something they could hold it up and say this is our guiding document and it will stand the tests of time because every time the legislature or Supreme Court changes something it will not outdate the charter. They need to start making people focus on the bigger picture.

Cindi Shaw agreed and thought it was difficult...she like the guiding but also the governing combined because how many people in this town first knew we had a charter or read it before now? They are on the edge of something really neat happening in this town. She stated it is important that it is guiding but also updated and the people will confident that it is accurate and updated. She thinks most people she has talked to about what happened to Paul last year, they were shocked that the charter was wrong and the highest person in our government used that as basis of making a decision. People are scared and that changed. They are looking at the Study Commission to make it right...

Northey Tretheway replied if they did say lets get the charter to be what it is. If they could make it be what it is intended to be. Focus in a big picture way, the things that are going to really influence the future of Butte.

Ristene Hall replied that they know from the past that people want to have a say on how government is run. They want to be able to elect the people. They do not want to appoint. If the people get a feeling that they have lost some say in their government they

will vote against it. She thinks that it should look like it is micro-managed is important because the people want to feel like they have a say on how government is run. If they give them the feeling that is refined, updated and they feel they are losing power, they will vote against it.

Northey Tretheway replied if the people do vote against it, he believes it will be more difficult... if they focus their effort on a few changes and put their 100% effort on those few changes, he believes it will pass and BSB would win.

Shag Miller suggested they focus on the original charter with a few changes made to it.

Bob Worley replied to Shag Miller his thoughts of them tying the hands of the Chief Executive. Bob Worley made reference to Section 4.02 where they established annual time-phased and measurable goals.

Shag Miller did not think that would ever get done. He thought it was inoperable and the people do that. It is called an election. If they don't like the performance of the Chief Executive...Shag Miller stated that Bob McCarthy told him it was inoperable. Shag Miller thought it was a good personnel guide for non-elected officials.

Northey Tretheway replied to Shag when he quoted that Bob McCarthy thinks that is not workable. He is also a very strong proponent of the simplified charter.

Bob Worley spoke about the Helena charter that is 3 pages long that covers the government. That is our state capital. Bob Worley also spoke of the Great Falls charter that takes up 8 or 9 pages with pictures included.

Ristene Hall replied that she thought BSB was unique. Bob Worley replied that we are and we do have the best form of government. Bob Worley commented on Walkerville's survey. Bob Worley commented one of the things in their survey was join the government of BSB.

Meg Sharp commented when she went to their first public hearing they were against it because they thought they would have no benefits from it.

Northey Tretheway commented that is the problem with those surveys because the people who are going to respond are the ones that have an axe to grind.

Meg Sharp commented 6 citizens showed up to the public hearing in Walkerville.

Bob Worley commented there are 17,700 active, registered voters in BSB and we get an average of 30 to 35 at our public hearings. Bob Worley further commented that they do not get many citizen comments at their meetings.

Dave Palmer replied to Shag Miller's comment about the non-workability of setting goals. Dave Palmer clarified that the purpose was not to physically judge the Chief

Executive. It was to get the Council of Commissioners and the Chief Executive to work together at the beginning of the year and come together to set goals on where the community should go.

Shag Miller agreed with Dave and commented that he originally misunderstood the intent.

Ristene Hall replied the people will get more involved if they know what those goals are and if those goals are or are not getting done.

Bob Worley commented that he was not sure if they would look divided if they put both those charters on the ballot.

Northey Tretheway replied that would be a mistake.

Dave Palmer suggested they take one meeting to discuss and look over the simplified charter. Dave commented that as of right now, he is against it.

Tony Bonney suggested they all get a cleaned up copy of the refined charter and take all of the next meeting to discuss it.

Northey Tretheway is going to e-mail Jennifer a copy of the refined charter. Jennifer will clean it up and send it to everyone.

Adjournment of Meeting: Bob Worley entertained a motion for the meeting to adjourn. Northey Tretheway motioned and Tony Bonney seconded. All were in favor and the meeting adjourned at 7:15 p.m.

